

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

Ashleigh Hoffman, individually and on behalf of those similarly situated,)	
)	
Plaintiff,)	ORDER GRANTING MOTION FOR EXTENSION OF TIME TO FILE AN ANSWER, SETTING A TIME FOR A SCHEDULING CONFERENCE, AND ESTABLISHING PROCEDURE FOR RESOLVING DISCOVERY DISPUTES
vs.)	
)	
Déjà vu Pizza, LLC, d/b/a Papa John's Pizza, Harold Rose, Doe Corporations 1-10, and John Doe 1-10,)	
)	
Defendants.)	Case No. 1:22-cv-006

Before the court an "Unopposed Motion for Extension of Time to File Response to Complaint" filed by Defendants on August 5, 2022. (Doc. No. 41). The court **GRANTS** the motion (Doc. No. 41). Defendants shall have until August 15, 2022, to file an answer or otherwise respond to Plaintiff's Complaint.

The court notes that the parties filed a proposed scheduling and discovery plan on July 27, 2022. The court shall take this plan under advisement pending a scheduling conference with the parties.

The court shall hold a Rule 16(b) initial pretrial scheduling/discovery conference on September 6, 2022, at 1:30 PM CDT. To participate in the conference, counsel shall call the following number and enter the following access code:

Tel. No.: (877) 810-9415

Access Code: 8992581

Parties are advised that telephone conferences may be electronically recorded for the convenience of the Court.

In preparation for the conference, counsel are directed to confer in accordance with Rule 26(f) of the Federal Rules of Civil Procedure if they have not already done so. Should the parties decide to revise the proposed plan that was filed on July 27, 2022, they should email their revised plan to ndd_J-Hochhalter@ndd.uscourts.gov **NO LATER THAN TWO BUSINESS DAYS PRIOR TO THE CONFERENCE.** Any disagreements among counsel shall be addressed at the scheduling conference. At the Rule 16(b) conference, the court will review the plan with counsel.

RESOLUTION OF DISCOVERY DISPUTES

It is hereby **ORDERED** that the following steps be undertaken by all parties prior to the filing of any discovery motions:

- 1) The parties are strongly encouraged to informally resolve all discovery issues and disputes without the necessity of Court intervention. In that regard, the parties are first required to confer and fully comply with Rule 37(a)(1) of the Federal Rules of Civil Procedure and Local Rule 37.1 by undertaking a sincere, good faith effort to try to resolve all differences without Court action or intervention;
- 2) In the event that reasonable, good faith efforts have been made by all parties to confer and attempt to resolve any differences, without success, the parties are then required to schedule a telephonic conference with the Magistrate Judge in an effort to try to resolve the discovery dispute prior to the filing of any motions. The parties shall exhaust the first two steps of the process before any motions, briefs, memorandums of law, exhibits, deposition transcripts, or any other discovery materials are filed with the Court.
- 3) If the dispute still cannot be resolved following a telephonic conference with the Magistrate Judge, then the Court (Magistrate Judge) will entertain a motion to compel discovery,

motion for sanctions, motion for protective order, or other discovery motions. In connection with the filing of any such motions, the moving party shall first fully comply with all requirements of Rule 37(a)(1) of the Federal Rules of Civil Procedure and Local Rule 37.1 and shall submit the appropriate certifications to the Court as required by those rules.

4) The Court will refuse to hear any discovery motion unless the parties have made a sincere, good faith effort to resolve the dispute and all of the above-identified steps have been strictly complied with. A failure to fully comply with all of the prerequisite steps may result in a denial of any motion with prejudice and may result in an award of costs and reasonable attorney's fees.

IT IS SO ORDERED.

Dated this 8th day of August, 2022.

/s/ Clare R. Hochhalter
Clare R. Hochhalter, Magistrate Judge
United States District Court